

## REMARKS/ARGUMENTS

Claims 1-8, 28-38, and 40-41 are pending. Claims 9-11 and 39 are withdrawn from consideration. Claims 1 and 28 have been amended to more clearly recite that the magnetic fields for each of the plurality of magnetic elements is rotated around a plurality of axes of rotation so that each individual magnetic field of each magnetic element is individually rotated around an individual axis of rotation of the plurality of axes, where each magnetic element has an individual axis of rotation passing through the magnetic element. This amendment is supported by Figures 3A-C and page 14, lines 1-30, of the application. As shown in Figure 3A, the individual magnets have a physical axis 702p passing through the magnet. Page 14, lines 14-16, state that the magnetic elements 702 are rotated about their physical axes 702p.

The applicant would like to thank the Examiner for her time during the telephone discussion of August 19, 2003.

### Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1-8, 28-38, and 40-41 under 35 U.S.C. 102(e), as being anticipated by U.S. Patent No. 6,341,574B1 to Bailey et al. A 37 CFR 1.132 declaration is enclosed, which states that U.S. Patent No. 6,341,574B1, in which the present inventors are co-inventors, describes the present invention, which was conceived by the inventors of the present case before the filing date of the cited patent as discussed in MPEP 715.01(a). In addition, Bailey et al. does not disclose that the device for rotating the magnetic fields is able to rotate each magnetic element individually at the same angular speed and angular direction around an individual axis of rotation passing through each magnetic element, as recited in claim 28. For at least these reasons, claims 1-8, 28-38, and 40-41, as amended, are not anticipated by Bailey et al.

### Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-4, 6-8, 28-29, 35-38, and 40-41 as being made obvious by U.S. Patent No. 6,196,155 to Setoyama et al. in view of U.S. Patent No. 5,855,725 to Sakai. Claims 1 and 28 have been amended to more clearly recite that the magnetic fields for each of the plurality of magnetic elements is rotated around a plurality of axes of rotation so that each individual magnetic field of each magnetic element is individually rotated around an individual axis of rotation of the plurality of axes of rotation, where each magnetic element has an individual axis of rotation passing through the magnetic

element. As discussed in the above mentioned telephone conversation, the magnets in Setoyama et al. are not rotated around individual axes of rotation, where each axis of rotation for a magnet passes through the magnet as recited in claims 1 and 28, as amended.

Regarding Fig. 1 of Setoyama as discussed in the Response to Arguments in Paper 19, the arrow under apparatus 14, indicates that the swing mechanism 14 causes permanent magnets 20b to move up and down (col. 6, lines 25-28). Although the arrow underneath apparatus 14 shows that the apparatus 14 is rotated, the arrow above apparatus 14 shows that the magnets are not rotated but moved up and down. The applicant agrees that Figure 2 of Setoyama shows that magnets 20a are being rotated around an axis of rotation. However, Figure 2 of Setoyama does not show that each magnet 20a is being rotated around a different axis of rotation, wherein the axis of rotation for a magnet 20a passes through the magnet, as recited in claims 1 and 28, as amended. The applicant also agrees that Figures 4A and 4B show magnets 26 being rotated about a single axis of rotation, indicated by the arrow. However, Figures 4A and 4B of Setoyama do not show that each magnet 26 is being rotated around a different axis of rotation, wherein the axis of rotation for a magnet 26 passes through the magnet, as recited in claims 1 and 28, as amended. Similarly, Sakai does not teach rotating each magnet about an axes of rotation passing through the magnet. For at least these reasons, claims 1 and 28 are not made obvious by Setoyama et al. in view of Sakai.

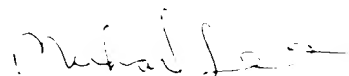
The Examiner rejected claims 5 and 30-34 as being made obvious by Setoyama et al. in view of Sakai as applied to claims 1-4, 6-8, 28-29, and 35-36 and in further view of U.S. Patent No. 5,660,744 to Sekine et al., WO 99/27758 to Barankova et al., or U.S. Patent 6,341,574B1 to Bailey et al.

Claims 2-8, 29-38, and 40-41 are ultimately dependent on claims 1 or 28, and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to claims 1 and 28. Additionally, these dependent claims require additional elements that, when taken in the context of the claimed invention, further patentably distinguish the art of record. For example, claim 4, as amended, recites that the magnetic elements are permanent magnets and that each magnet has a length, where each magnetic element is individually rotated around axes passing through the magnetic element. In addition, claim 8 recites that the axis of rotation for each magnetic element extends along the length of the magnetic element. For at least these reasons, claims 2-8, 29-38, and 40-41, as amended, are not disclosed or made obvious by the cited references.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe

that a telephone conference would expedite the prosecution of this application. the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

A handwritten signature in dark ink, appearing to read "Michael Lee", with a stylized flourish at the end.

Michael Lee  
Reg. No. 31,846

P.O. Box 778  
Berkeley, CA 94704-0778  
(831) 655-2300